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Atty Dkt No. GP-301390 (GM0447PUS)

OFFICIAL Remarks

Claim 6 is objected to under 37 C.F.R. § 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. Specifically, the Examiner finds that claim 6 is a duplicate of lines 4-5 of claim 2. Claim 6 is cancelled.

Claims 1-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over LeVey et al. (United States Patent No. 6,540,251) in view of Tajima et al. (United States Patent No. 6,485,048). Claim 1 of the Application provides "... an air bag with at least one cushion retention tab; a snap-in clip permanently attachable to the roof rail and selectively attachable to the at least one cushion retention tab ..." Applicant respectfully submits that LeVey et al. teach neither a snap-in clip permanently attachable to the roof rail nor a snap-in clip selectively attachable to a cushion retention tab.

First, Applicant submits that LeVey et al. do not teach that the spring washer 50 and engagement member 60 are either a "clip" or a "snap-in clip permanently attachable to the roof rail", as required by line 5 of claim 1. The Examiner-named clip 50, 60 of LeVey et al. consists of a spring washer 50 having an engagement member 60 extending from the spring washer generally radially, and preferably beyond or outwardly of the bolt head 34 of the bolt. See Column 2, lines 56-60. The engagement member 60 includes a prong 62 formed between opposite lateral side portions 64,65. See Column 3, lines 1-7. The prong 62 protrudes sufficiently far from the side of the engagement member 60 facing the bolt head to permit capturing a panel 20 between the prong 62 and the lateral side portions 64, 65 of the engagement member 60. See Column 3, lines 22-26. But the so-called clip 50, 60 also does not "snap-in" to become "permanently attachable." The panel 20 has a keyhole with relatively small and large opening portions 23 and 25, respectively. See Column 2, lines 31-32. The prong 62 may become engaged with an edge of the larger keyhole opening portion 25 only after the bolt is laterally positioned (slid leftwardly in Figure 1) from the larger keyhole opening portion 25 to the smaller keyhole portion 23, as best illustrated in Figure 1. See Column 3, lines 10-15. Accordingly, the prong 62 may not capture the panel until the bolt member is laterally moved

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(slid rightwardly in Figure 2) from the smaller keyhole opening portion 23 toward the larger keyhole opening portion 25. Thus, LeVey's slide-in to attach prong 62 is not "snap-in . . . attachable" as claimed.

LeVey et al. also do not teach that the so-called clip 50, 60 remains permanently attached to the panel 20 when the removable serviceability attachment feature 30, 40 (i.e., the nut 40 of the bolt) is removed from the panel 20. The so-called clip 50, 60 is captured between the bolt head 34 and a generally annular protuberance 38 disposed about the bolt shaft 30. See Column 3, lines 49-51. Although not specifically discussed in LeVey et al., presumably the nut 40 may be removed from the shaft 30 if it is desired to remove the side air bag retainer 10 from the panel 20.

It is unknown from LeVey et al. whether the portion of the spring washer 50 in contact with the panel 20 at the small opening portion 23 is disposed above the panel 20 (i.e., on the same side of the panel as the side air bag retainer 10) or below the panel 20 upon engagement of the prong 62. What is known is that upon removal of the nut 40, the spring washer 50 will no longer be compressed toward the panel 20, and will be freely movable along the shaft 30 between the bolt head 34 and the annular protuberance 38. This movability or "play" will also enable the engagement member 60 to move, enabling the prong 62 to become disengaged from the edge of the large opening portion 25. If the spring washer 50 is disposed below the panel 20, then, at that point, the bolt and spring washer 50 may be removed (or are likely to fall away of their own accord) from the panel 20. This is not "permanently attachable" as claimed.

Alternatively, if the spring washer 50 is disposed on the same side of the panel 20 as the side air bag container 10, LeVey et al. also fail to teach that the spring washer 50 is permanently attached to the panel 10, as required by Claim 1 of the Application. In this scenario, removal of the nut 40 will also allow the spring washer 50 to move between the bolt head 34 and the annular protuberance 38. Referring to Figure 1, it appears that this amount of play is likely to cause the prong 62 to detach from the edge of the larger opening portion 25. When this occurs, there is nothing to prevent the bolt and spring washer 50 from dislodging or being dislodged

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toward the larger opening portion 25 and either slipping away from or being manually removed from the panel 20. Accordingly, LeVey et al. fail to teach that the spring washer 50, including engagement member 60, is "permanently attachable" to the panel 20, as required by Claim 1 of the Application.

Second, LeVey et al. do not teach a "snap-in clip -- selectively attachable to the at least one cushion retention tab" of the "air bag with at least one cushion retention tab" as required by Claim 1 of the Application. The Examiner asserts that the air bag retainer 10 of LeVey et al. is the "at least one cushion retention tab" of an air bag (not shown) in satisfaction of Claim 1. However, the air bag retainer 10 is clearly a housing for an air bag and not a cushion retention tab "integrally attached to the air bag", as described in line 26 of the Summary of the Invention portion of the Application. In fact, because LeVey et al. do not show an air bag, as admitted by the Examiner, they cannot show the cushion retention tab required by claim 1 and claims 2-7 which depend therefrom, claim 7 and claims 8 and 9 which depend therefrom and claim 10.

The snap-in roof rail assembly of Claim 1 of the Application includes "an air bag module including an air bag inflator and an air bag . . ." LeVey et al. do not provide an air bag inflator. The Examiner states that it would have been obvious to one skilled in the art to modify the air bag module 10 of LeVey to include an inflator, as required by Claim 1 of the Application, in view of Tajima et al. The air bag module 10 of LeVey includes an end portion 14. The tabs 71 and 72 of the spring washer 50 are disposed on opposite side of the engagement member and comprise an anti-rotation member. See Column 3, lines 40-42. The tabs 71, 72 "are adjacent and engageable with the end portion 14 ... to prevent rotation of the washer [50]". See Column 3, lines 46-48. Accordingly, the arrangement of the air bag module 10 with respect to the spring washer 50 is an important aspect of the retention system taught by LeVey et al. By contrast, the inflators taught by Tajami et al. are not contained within air bag modules having such an end portion 14. In fact, the inflators taught by Tajami et al. are carefully placed to cooperate with the placement of a head protection air bag apparatus, i.e., an assist grip, to cushion impact with the inflator. See Column 2, lines 38-49. Accordingly, it would not be obvious to one skilled in the

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art to use the carefully disposed inflators of Tajami et al. in the specifically configured air bag module of LeVey et al. Because it is not obvious to use the inflator of Tajami et al., neither would it be obvious to modify the air bag assembly of LeVey et al. to include the air bag cover 27, the inflator bracket 33 and the mounting tab 33c of the inflator bracket of Tajami et al. The combination of these features found in Tajami et al. with those found by the Examiner in LeVey et al. can only be the impermissible application of hindsight reasoning using the benefit of the teachings of the Application.

Conclusion


This amendment is believed to be fully responsive to the Office Action mailed July 17, 2003. Claim 6 has been cancelled. The disclosure of the prior art made of record and not relied upon are not believed to anticipate or make obvious the invention claimed herein. The amendment and remarks in support of the rejected claims are believed to place remaining claims 1-5 and 7-11 in condition for allowance, which action is requested.

No additional fee is believed to be due.

Respectfully submitted

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